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C O N F I D E N T I A L BOGOTA 002050

SIPDIS

E.O. 12958: DECL: 06/24/2025
TAGS: PHUM PGOV PTER KJUS MOPS MCAP CO
SUBJECT: ARMY IG ORDERED TO STOP 'FALSE POSITIVE'
INVESTIGATIONS, RECOMMENDATIONS DISMISSED

REF: A. BOGOTA 1845
¶B. BOGOTA 1826

Classified By: Political Counselor John S. Creamer
Reasons: 1.4 (b) and (d)

SUMMARY

¶1. (C) Army Inspector General General Carlos Suarez told us on June 23 that Army Commander General Oscar Gonzalez Pena had ordered him to temporarily stop investigating 'false positive' cases. Gonzalez claimed the investigations were undermining officers' morale and leading to fewer combat kills. He said Deputy Army Commander Jorge Octavio Ardila has refused to follow Suarez' recommendations to dismiss military personnel implicated in 'false positives' unless the Fiscalia has already ordered the detention of the individual in question. Suarez claimed several high-ranking military leaders--including Gonzalez, Ardila, Army Human Rights Directorate head General Jorge Rodriguez, and former Army Commander General Mario Montoya--were involved in "false positives" cases or had tacitly condoned the practice. End Summary

ARMY LEADERS STYMIE INSPECTOR GENERAL

2 . (C) Army Inspector General General Carlos Suarez told us on 23 June that Army Commander General Oscar Gonzalez Pena had ordered him to temporarily stop investigating 'false positive' (military murders reported as combat kills) cases. Gonzalez said the investigations were demoralizing the officer corps, making them overly cautious and leading to fewer combat kills. If the situation improved, Gonzalez told him he might be able to resume investigations in September.

¶3. (C) Suarez said Deputy Army Commander Jorge Octavio Ardila had also stopped approving Suarez' recommendations that personnel implicated in 'false positives' be dismissed using the Army's discretionary authority. Under the discretionary authority provision, a three-person committee chaired by Ardila and consisting of Suarez and Army Human Resources head General Javier Fernandez Leal must unanimously approve such dismissals. Suarez told us Ardila has said he would not approve any more dismissals unless the Prosecutor General's office (Fiscalia) had already ordered the arrest of

the individual in question. Ardila said such a policy would protect the military from lawsuits brought by dismissed personnel.

MILITARY LEADERS LINKED TO 'FALSE POSITIVES'

¶ 14. (C) Suarez said the current Army leadership includes some officers--Gonzalez, Ardila, Fernandez and Army Human Rights directorate head General Jorge Rodriguez--who were involved in the 'false positives' practice or who had tacitly supported it, and are therefore determined to limit investigations as much as possible. He noted that former Army Commander Mario Montoya--who Suarez claimed initiated the practice as 4th Brigade Commander in Medellin--regularly visits the Army to rally his supporters. He claimed Montoya recognizes that he could face legal action down the road, and is preparing his defense.

¶ 15. (C) Suarez confirmed there was a strong tie between General Gonzalez and Major Julio Cesar Parga Rivas, extradited narcotrafficker and former Commander of the 11th Brigade Gaula anti-kidnapping unit, who has been charged by the Fiscalia with numerous extrajudicial killings in Cordoba.

Suarez voiced hope that acting military justice director Colonel Edgar Emilio Avila Doria--former Commander of the 4th Engineering Battalion of the 4th Brigade who also faces extrajudicial killing accusations--would soon be transferred, but fears his replacement could be General Rodriguez.

POLITICAL LEADERS DEFENDING THE INDEFENSIBLE

¶ 16. (C) Suarez said Presidential Secretary Bernardo Moreno, former Interior Minister Fernando Londono Hoyos, and others in or close to the Casa de Narino continue to view the 'false positives' issue as a fabrication by human rights groups. They "defend the indefensible," and are behind a constant media campaign attacking Suarez and Vice Minister Sergio Jaramillo. Suarez agreed the number of 'false positives' has dropped since President Uribe fired 27 officers and enlisted men for the Soacha killings last October, but voiced concern that failure to weed out officers responsible for similar killings could lead to a resurgence of this practice. He feared that if Moreno or someone with similar views were appointed as the next Defense Minister, the recent progress made in investigating and punishing 'false positives' would be reversed.

DIRECTIVE 29 NOT A FACTOR

¶ 17. (C) Suarez rejected human rights groups' assertions that Directive 29 and the Colombian military's rewards program for information leading to the death or capture of members of illegal armed groups were key in encouraging extrajudicial killings. Military personnel are not allowed to receive such rewards, and there is a clear review process to prevent abuses. Suarez said former Defense Minister Camilo Ospina has been unjustly criticized for Directive 29 by political opponents who do not want him to be named Fiscal General. He said Ospina made a major contribution to human rights by signing the May 2006 agreement with the Fiscalia which requires all combat deaths to be investigated by the Fiscalia's investigative unit's (CTI) instead of by the military criminal justice system.

¶ 18. (C) Suarez reiterated that the main factors behind 'false positives' were Montoya's constant pressure for combat kills (bajas), weak or nonexistent internal controls, and criminal ties between some commanders and narcotraffickers. The narcotraffickers would supply the victims, arms, and cash in exchange for the commanders positioning troops in ways that gave the traffickers free drug-smuggling corridors.

In his investigations, Suarez said he had always found a narcotrafficking angle. Still, he said the Fiscalia has not identified the narcotraffickers involved beyond the civilian

'recruiters' of the victims, because the officers will not talk and the soldiers involved do not have the details.
Brownfield